

AMENDMENTS TO THE DRAWINGS

New figure 5b is presented herein, and previous figure 5 is renumbered as figure 5a. New figure 5b illustrates the text on page 11, lines 8-10 of the application which states "[f]or instance, a fitment apparatus 10 with a large opening 20, no support ribs 18 and having the engaging structures 26 located on the projection could be secured to the interface 34." No new matter is added.

Attachment: Two drawings sheets.

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated January 20, 2006. Applicants hereby request an extension of time of three months in which to file this response. Authorization to charge the appropriate extension fees to Deposit Account No. 50-0951 is filed herewith.

Claims 9-10 and 19-22 are pending in the present application, all of which were rejected in the Office Action. The drawings were objected to under 37 CFR §1.83(a). Claims 9, 10 and 19-22 were rejected under 35 U.S.C. §112, first paragraph. Claims 9, 10 and 19-21 were rejected under 35 U.S.C. §102(b) as being anticipated.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

I. OBJECTION TO THE DRAWINGS

The drawings were objected to under 37 CFR §1.83(a) as failing to show every feature of the invention specified in the claims. In particular, the second fitment apparatus was required to be shown.

New figure 5b is presented herein, and previous figure 5 is renumbered as figure 5a. New figure 5b illustrates the text on page 11, lines 8-10 of the application which states "[f]or instance, a fitment apparatus 10 with a large opening 20, no support ribs 18 and having the engaging structures 26 located on the projection could be secured to the interface 34."

Consequential amendments have been made to the specification to include a reference to figure 5b. No new matter is added. Withdrawal of the drawing objection is respectfully requested.

II. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 9, 10, and 19-22 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the limitations "integrally formed in the first fitment" and "integrally formed in the second fitment" were considered to be new

matter. These limitations have been deleted from claims 21 and 22 herein, and withdrawal of the rejection is respectfully requested.

III. REJECTION OF CLAIMS 9-10 AND 19-22 UNDER 35 U.S.C. §102(b)

The Office Action rejected claims 9-10 and 19-22 under 35 U.S.C. §102(b) as being unpatentable over United States Patent No. 4,635,814 to *Jones*.

The Office Action stated that Jones discloses a container with two fitments where the first opening in the first fitment (52) is not equal to the second opening in the second fitment (57), and in which the first fitment apparatus has the same outer perimeter as the second fitment apparatus.

In response to this rejection, Applicants have amended claims 21 and 22 to recite that the first and second fitment apparatuses each have a projection including the respective openings, and to recite that the first fitment apparatus and the second fitment apparatus are interchangeably receivable in the interface such that the first and second fitment apparatuses may be exchanged with one another for connection of the respective first fitment or second fitment projection to differently sized drainage hoses or pipes for emptying the shipping container through the first opening or the second opening. Support for this amendment may be found at least on page 7, line 13 "[t]he projection 16 can also include one or more openings 20", and at least from claim 18 as filed "interchangeably connecting the first fitment apparatus and the second fitment apparatus to the interface". The use of drainage hoses or pipes is discussed on at least page 1 of the application, and the selection and use of differently sized fitments is discussed on at least pages 2 and 12 of the application.

It is clear that the two fitments of Jones are provided at either end of the top of the barrel, and are not interchangeably receivable in a single interface. Additionally, it should be noted that the opening 15 surrounding projection 52 and the opening 16 surrounding spigot 57 of Jones are provided on the same fitment apparatus. Yet further, the two openings are not both provided in projections. Finally, the two openings are not included in interchangeable fitment apparatuses that may be exchanged for connection of the projections to differently sized drainage hoses or pipes such that the shipping container may be emptied through either the first opening or the

second opening. Indeed, the opening 16 surrounding spigot 57 in Jones cannot be used for emptying or filling the barrel at all, but is used merely to prevent rotation of the flange 50 – see column 5, lines 7-10 "[t]he spigot (57) was a torque resisting function when a screw plug is inserted or removed from the cylindrical projection (52)."

For the foregoing reasons, claims 21 and 22 are believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

IV. CONCLUSION


For at least the reasons given above, claims 9-10 and 19-22 define patentable subject matter and are allowable. Accordingly, Applicants respectfully request allowance of these claims.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,

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Date


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